

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

- Sub B'7
- a,
1. (currently amended) A spinal facet cap for correcting asymmetry between left and right facet joints of an unmodified vertebra, comprising a shim portion for inserting into [[a]] an unmodified facet joint of a spine, and an alignment portion for maintaining alignment of said shim portion within said facet joint.
 2. (original) The spinal facet cap of claim 1, wherein the shim portion comprises two opposed surfaces for engaging articular surfaces of the facet joint.
 3. (original) The spinal facet cap of claim 2, wherein at least one of the opposed surfaces is planar.
 4. (original) The spinal facet cap of claim 2, wherein both of the opposed surfaces are planar.
 5. (original) The spinal facet cap of claim 1, wherein the shim portion is of substantially uniform thickness.
 6. (original) The spinal facet cap of claim 1, wherein the shim portion is wedge-shaped.
 7. (original) The spinal facet cap of claim 2, wherein at least one of the opposed surfaces is concave.
 8. (original) The spinal facet cap of claim 7, wherein the shim is wedge-shaped.
 9. (currently amended) The spinal facet cap of claim 1, wherein the alignment portion alignment comprises a tongue.

10. (original) The spinal facet cap of claim 9, wherein the tongue is provided with an orifice.

11. (original) The spinal facet cap of claim 1, wherein the alignment portion comprises a boss along at least one edge of the shim portion.

12. (original) The spinal facet cap of claim 1, wherein the alignment portion comprises at least one facet hook disposed along at least one edge of the shim portion, for receiving either one of the superior facet or the inferior facet of a vertebra.

13. (original) The spinal facet cap of claim 1, wherein the alignment portion comprises two facet hooks disposed along two edges of the shim portion, one said facet hook for receiving the superior facet of a first vertebra, a second said facet hook for receiving the inferior facet of a second vertebra.

14. (original) The spinal facet cap of claim 13, wherein said shim portion is wedge-shaped.

15. (original) The spinal facet cap of claim 13, wherein the alignment portion further comprises a tongue having an orifice.

16. (original) The spinal facet cap of claim 6, wherein the thickness of said wedge-shaped shim portion is adjustable.

17. (original) The spinal facet cap of claim 13, wherein the relative distance between facet hooks is adjustable.

18. (original) The spinal facet cap of claim 14, wherein the thickness of said wedge-shaped shim portion is adjustable.

19. (currently amended) A method for treating scoliosis in a subject in need thereof comprising implanting in [[a]] an unmodified facet joint of the subject a spinal facet cap, said spinal facet cap comprising a shim portion and an alignment portion, such that scoliosis in the subject is treated.

20. (currently amended) The method of claim 19, wherein a spinal facet cap is implanted in each of two or more unmodified facet joints of the subject, such that scoliosis in the subject is treated.

21. (original) The method of claim 19, further comprising evaluating the subject for the number, size, shape, location, and placement of spinal facet caps required to treat scoliosis in the subject.

22. (original) The method of claim 21, wherein an imaging system is used to evaluate the subject.

23. (original) The method of claim 22, wherein the imaging system is selected from computed tomography (CT), radiography, or magnetic resonance imaging (MRI).

24. (currently amended) The method of claim 19, further comprising providing wherein ~~the alignment portion comprises~~ at least one facet hook ~~disposed~~ along at least one edge of the shim portion, for receiving either one of the superior facet or the inferior facet of a vertebra.

25. (currently amended) The method of claim 19, further comprising providing wherein ~~the alignment portion comprises~~ two facet hooks ~~disposed~~ along two edges of the shim portion, one said facet hook for receiving the superior facet of a first vertebra, a second said facet hook for receiving the inferior facet of a second vertebra.

26. (currently amended) The method of claim 25, further comprising providing on said ~~wherein the alignment portion further comprises~~ a tongue having an orifice.

27. (currently amended) The method of claim 25, further comprising providing a ~~wherein the shim portion is wedge-shaped~~ shim portion.

28. (New) The method of claim 19, wherein implanting said spinal facet cap in said unmodified facet joint comprises correcting asymmetry between left and right facet joints of a vertebra.

Amendments to the Drawings:

As discussed by telephone with the Examiner on August 28, 2003, a colour drawing of Figure 10A&B is enclosed in triplicate. This drawing is substantially identical to the Figure 10A&B as originally filed. A Petition to Accept Colour Drawings under 37 CFR § 1.84(a)(2) is enclosed as well as a Fee Transmittal form including the fee associated with the Petition.